

RECEIVED  
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2022 JUN 13 PM 2:54IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISIONKing Grant-Davis3210-A Meeting Street Road  
North Charleston, S.C. 29405

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

Diana Ruhlig Hendrix, Art Milli-  
gan, Geona Shaw Johnson, Flor-  
ence Peters, and Jamie Roper

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for a Civil Case**Case No. 2:22-cv-01872-SAL-MGB

*(to be filled in by the Clerk's Office)*

Jury Trial: ☐ Yes ☒ No  
*(check one)*

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>King Grant-Davis</u>
Street Address	<u>3210-A Meeting Street Road</u>
City and County	<u>North Charleston, Charleston County</u>
State and Zip Code	<u>South Carolina 29405</u>
Telephone Number	<u>Landline 843-746-9543</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>Diana Ruhlig Hendrix</u>
Job or Title (if known)	<u>Housing Services Manager</u> <u>Charleston Housing Authority</u>
Street Address	<u>550 Meeting Street</u>
City and County	<u>Charleston, Charleston County</u>
State and Zip Code	<u>South Carolina, 29403</u>
Telephone Number	<u>843-723-4491</u>

**Defendant No. 2**

Name	<u>Art Milligan</u>
Job or Title (if known)	<u>Chief Executive Officer (CEO)</u> <u>Charleston Housing Authority</u> <u>550 Meeting Street</u>
Street Address	
City and County	<u>Charleston, Charleston County</u>
State and Zip Code	<u>South Carolina 29403</u>
Telephone Number	<u>843-723-4491</u>

**Defendant No. 3**

Name	<u>Geona Shaw Johnson</u>
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Job or Title	<u>Director</u>
(if known)	<u>Charleston Department of Housing and Community Development</u>
Street Address	<u>75 Calhoun Street, 3rd Floor</u>
City and County	<u>Charleston, Charleston County</u>
State and Zip Code	<u>South Carolina 29401</u>
Telephone Number	<u>843-724-3766</u>

Defendant No. 4

Name	<u>Florence Peters</u>
Job or Title	<u>It is unknown to plaintiff; and</u>
(if known)	<u>Defendant No.5 Jamie Roper,</u>
Street Address	<u>Senior Services Support Coordinator</u>
	<u>75 Calhoun Street, 3rd Floor</u>
City and County	<u>Charleston, Charleston County</u>
State and Zip Code	<u>South Carolina 29401</u>
Telephone Number	<u></u>

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

**Fair Housing Act, 42 U.S.C. Sec. 802(c) single individual**  
List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S. Code Section 12701 - National housing goal

42 U.S.C. Sec. 13663(d) Opportunity To Dispute

24 CFR 982.5 Notices required by this part.

24 CFR 982.203 - Special admission (non-waiting list)

24 CFR 982.201(f) Decision to deny assistance

24 CFR 982.201(b)(1) 3 24 CFR Sec. 982(a)(1)

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

**NOT APPLICABLE IN THIS CASE**

**1. The Plaintiff(s)**

**a. If the plaintiff is an individual**

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)**

**a. If the defendant is an individual**

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

**b. If the defendant is a corporation**

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*): NONE FORESEEN

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III. Statement of Claim PAGE 5 ATTACHMENTS BEGIN AT PAGE 5A

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Plaintiff was born February 13, 1952 and is 70 years old. He has several phisical disabilities. His only sources of support are Supplemental Security Income Thru federal Social Security Administration and SNAP (i.e. food stamp benefits thru the Department of Social Security. See Page 5A

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. WHEREFORE plaintiff prays for an order of the Court reversing the actions and inaction of the Housing Suthority; and plaintiff prays for an order of the Court requiring Defendants Nos. 3, 4, and 5 to assist plaintiff to obtain auitable housing in residential owned or secured by the City of Charleston, so that he can sustain a rental lease as soon as possible.

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1. This case involves plaintiff's need to locate and rent a suitable, safe, and longterm apartment. Plaintiff resided at 95 Nassau Street, Charleston Beginning in September 2005 for \$450 a month, until the owner there raised the rent another \$100. In December 2017 the owner told plaintiff that he was going to have the house fixed up and rented at a higher cost. He told plaintiff to move to another residence for that reason. Plaintiff promptly began searching to rent elsewhere. Plaintiff's low income (i.e. SSI) qualified him for a unit of the Housing Authority of the City of Charleston. Plaintiff looked for another residence every day, including Sundays). At the Housing Authority on March 02, 2018,

2. Plaintiff completed application forms available to people waiting in line to be seen. Plaintiff completed an application for public housing, and a separate application for Section 8 housing. The personnel deciding the application denied both after they learned that plaintiff was a registrant because of his 1970s youthful convict for sex offenses in New York. See 42 U.S.C. Sec. 13663, and 24 CFR Section 960.204(4), etc. Plaintiff started registering while on parole in 2000. Plaintiff completed his concurrent prison sentences on June 09, 2003.

3. Plaintiff sought assistance from Defendant Geona Shaw Johnson, Director of Charleston Department of Housing and Community Development because of that Office's authority over housing accumulated by the City. Plaintiff sought public housing on April 12, 2022 because the new owners of all five houses where the new owners required the tenants to move out (i.e. 3206 thru 3210½ Meeting Street Road, North Charleston) so that new owners Boneworks

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can have the homes (two built in 1940, and 3 built in 1945) improved (i.e. subject them to modern reconstruction work), and when they become ready to be rented again, the cost to rent them will be much higher than plaintiff and the other lower income tenants would be able to afford. The plaintiff has not been able to rent another apartment and move out, because the Charleston County market rate for a one bedroom and one bathroom apartment is over \$900 dollars monthly. The SSI is only \$840. Therefore, the only way that plaintiff obtain an apartment that he could afford is if he can be accepted for a Housing Authority unit or other government assisted housing. That is why the plaintiff was required to participate during the Housing Authority online applications for seniors' one bedroom, one bathroom units. Defendant Jamie Roper did plaintiff's online application while on the telephone with plaintiff, having him provide answers to questions on the application form. The online system led plaintiff to believe that the decision on the application would be made by Defendant Diana Hendrix and her staff at a later date.

#### NEGLIGENCE

4. When in January 2022, February 2022, and early March 2022 plaintiff had contacted numerous (i.e. more than ten) private sector owners and/or landlords of suitable one bedroom, one bathroom apartments who would not consider renting to plaintiff, and his SSI benefit was not enough to pay them to rent, plaintiff contacted Defendant Geona Shaw Johnson for assistance in obtaining a suitable, safe, and longterm apartment. Charleston County's



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Administrative Services Coordinator 1 Ms. Dawn Lee, with knowledge of Ms. Johnson, said that when plaintiff is accepted for the apartment, her office would pay the initial rent, and three more months rent to get plaintiff in a suitable residence. At that point, plaintiff had not heard of Defendants Peters and Roper. It was approximately March 30th 2022 during a telephone conversation with Ms. Johnson's agency that plaintiff was told that Peters, Ms. La-toya Bates, and Ms. Roper would be working to help him. From there, plaintiff, by telephone, made good faith efforts to keep them informed about what was going on in his situation, as they never scheduled an appointment to discuss anything about his situation. Neither Peters nor Bates reached out to assist plaintiff. Roper did two things, purportedly to assist him, as follows: She gave plaintiff a phone number to call to talk with a Mr. Curry about a one-bedroom apartment he had for rent about \$750 monthly. When plaintiff talked with Curry it was obvious that to pay him that amount to rent it would not leave sufficient funds for plaintiff to pay other bills. Curry also told plaintiff that he raises the cost to rent periodically. The only other thing that Roper did to purportedly assist plaintiff: She conducted plaintiff's online application for one bedroom, one bathroom apartment with the Housing Authority on April 12, 2022 for senior citizens, while plaintiff was on the phone providing answers to questions she stated from the form.

5. On April 13th, 18th, and 22nd plaintiff wrote letters simultaneously to Defendants Diana Hendrix, and Geona Johnson concerning his ongoing situation and his need for to be provided another apartment to be accomplished sooner, and the presence and threat of asbestos, as well as lead-based paint at the properties on which he is a



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resident. Neither Ms. Hendrix nor Ms. Johnson responded to the letters. That danger was specifically mentioned in the April 22nd letter. Enclosed with the April 18th letter was a copy of the April 12, 2022 Memorandum of federal Department of Housing and Urban Development, Secretary Marcia L. Fudge: "Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs." Enclosed with the April 13th letter was the copies of the letter of original owner Russ Vincent recommending that other landlords rent to a tenant like plaintiff (his letter was written on January 21, 2022).; and the letter of present owner Boneworks recommending the same thing on plaintiff's behalf to other landlords. Johnson did not use those documents on plaintiff's behalf. Over the phone on April 26, 2022 Peters told plaintiff that Johnson gave her those letters and documents. Peters also refused to use them to advocate for plaintiff.

6. In a call-back from Johnson April 27, 2022, she told plaintiff: "Ms. Hendrix said that she would expedite consideration of plaintiff's online application for housing" On June 03, 2022 plaintiff had a telephone talk with Hendrix, and she told him that she did not tell Johnson that she would expedite a consideration of his application. Although plaintiff contacted Roper at least twice after the date his application was submitted to the Housing Authority on 04-12-2022, on May 20, 2022 he called her on May 20, 2022 and by phone she told him as follows: "Your application was rejected by the system. We need to get Geona Johnson to speak to Housing Officials on your case behalf." She then hungup her phone to plaintiff.

7. In the week of May 23thru 28, 2022, Hendrix failed to answer

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plaintiff's call referred to her by Lois Weston and requesting information on the date and cause (i.e. reasons) that the application was denied online. On June 03, 2022 plaintiff again called Hendrix, and she spoke to plaintiff. She mentioned two questions that are presented on the online application of which if the applicant answered "yes" thereto, the online system will enter a denial of the application. When plaintiff answered "yes" that he was required to register lifetime for conviction of a sex offense, the online system instantaneously found him not eligible for placement on the waiting list for a housing unit. Hendrix also told plaintiff that she considered the April 12, 2022 Memorandum of HUD Secretary Marcia L. Fudge to end discrimination against exoffenders who are shown to be not a present danger in society, and Hendrix told plaintiff that she asked Housing Authority Chief Executive Officer Art Milligan to give his opinion of the Secretary Fudge Memorandum, and that they agreed to the denial of the application.

FAILURES TO NOTIFY  
OR TIMELY NOTIFY

8. Because Roper actually completed the application online for plaintiff, she would have known instantaneously the decision on April 12, 2022. However, she did not say anything to plaintiff about it until May 20, 2022 when plaintiff reached her over the phone. Neither did Ms. Peters or Ms. Johnson say anything to him as to the decision. These facts clearly shows that Johnson, Peters, and Roper were negligent in their roles as representing and helping plaintiff.

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9. When Hendrix spoke to plaintiff on June 3, 2022 about the April 12 online application system denial, she admitted that the online system did not mention any opportunity of an appeal from the rejection. In a decision to deny assistance, the Public Housing Agency must give an applicant prompt written notice of a decision denying admission to the program, including a decision that the applicant is not eligible, or denying assistance for any other reason. See 24 CFR 982.201(f)(1). Under 42 U.S. Code, Sec. 13663(d), before an adverse action is taken with respect to an applicant for federally assisted housing on the basis that an individual is subject to a lifetime registration requirement under a State sex offender registration program, the public housing agency obtaining the record shall provide the tenant or applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information. Where part 982 requires any notice to be given by the PHA...the notice must be in writing. See 24 CFR 982.5 - Notices required by this part.

10. In this case, the online application, and the actions and inaction of Defendants Hendrix and Milligan failed to comply with requirements listed at paragraph 9 above. Therefore, that violated HUD requirements, See 24 CFR 982.52. This denies plaintiff his substantive due process right, procedural due process right, and right to equal protection of the laws guaranteed in Amendment XIV OF THE United States Constitution. The April 12, 2022 Memorandum of HUD Secretary Marcia L. Fudge is not required to be a statute in order to have force and effect of law. It's purpose is to eliminate barriers and discrimination against prevents affected citizens

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participating in federally assisted housing benefits. That document coincides with 42 U.S. Code Sec. 12701 - National housing goal, which reaffirms: "The Congress affirms the national goal that every American family be able to afford a decent home in a suitable environment. That is also a purpose of Cranston-Gonzalez National Affordable Housing Act, To expand and improve Federal rental assistance for very low-income families. 42 U.S. Code Sec. 12703(4).

Special admission (non-waiting list)

11. In the three letters plaintiff wrote to Defendants Ms. Hendrix and Ms. Johnson, especially the one signed on 4-22-2022, plaintiff made them aware that he was in the midst of owner Boneworks' rebuilding and asbestos cleanups, and that one of the other four houses (i.e. 3206 Meeting Street Road) was right side by side with the one plaintiff resides in (i.e. 3210 A and B Meeting Street Road) and that at the time asbestos cleanup at the 3206 home was going on for approximately a week. The rebuilding by Boneworks requires some demolition work on those houses. Therefore, even though the online system rejected the application, Defendants Hendrix and Milligan had legitimate grounds to approve plaintiff's application as a "special admission" to get him to a more safe and suitable residence. See 24 CFR 982.203(b)(1). It was arbitrary and contrary to the purposes of the public housing goals when they ignored plaintiff's predicament. Moreover, Boneworks is continuing their improvement construction, and plaintiff needs a suitable and safe apartment to move out to. It is already known that his SSI benefit is not adequate funds for him to rent at the market rate cost, and public housing would

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be his only solution in this case.

12. Defendants Nos. 3, 4, and 5 started out supposedly going to help plaintiff, but instead they reneged on that, and their actions or inaction consistently harmed and didnot help plaintiff. As already shown herein, The online application system and Defendants Nos. 1 and 2 comply with Pt. 24 CFR when they decided this case, nor did they comply with the requirements after making the decision.

Date: June 13, 2022

Respectfully Submitted  
King Grant - Davis  
King Grant - Davis  
Plaintiff, Pro se  
3210 - A Meeting Street Road  
North Charleston, S.C.  
29405

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 13, 2022

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff King Grant-Davis  
Pro se

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_